



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DE.LAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Adult Entertainment Commission
MEETING DATE AND TIME:	Thursday, April 25, 2013 at 2:00 p.m.
PLACE:	Cannon Building, 861 Silver Lake Boulevard Conference Room A, Dover, Delaware 19904
MINUTES APPROVED:	July 25, 2013

MEMBERS PRESENT

James Nutter, Chairman
Robb Carter, Public Member
Maisha Britt, Public Member
Mary Kate McLaughlin, Public Member (left at 2:12pm)

MEMBERS ABSENT

Tiffany Trawick, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Kevin Maloney, Deputy Attorney General
Amanda McAtee, Administrative Specialist II
Sheryl Paquette, Administrative Specialist III

PUBLIC PRESENT

None

CALL TO ORDER

Mr. Nutter called the meeting to order at 2:07 p.m.

REVIEW AND APPROVAL OF MINUTES

MEETING MINUTES – October 25, 2012

Ms. McAtee stated that the October 25, 2012 minutes had not been approved since the January 31, 2013 meeting was cancelled.

After review, Dr. Britt made a motion, seconded by Mr. Carter, to approve the October 25, 2012 minutes as presented. The motion carried unanimously.

UNFINISHED BUSINESS

REVIEW OF COMMISSION'S RULES AND REGULATIONS

The Commission continued the discussion from the October 25, 2012 meeting. At the October 25, 2012 meeting the Division's Investigative Supervisor, Jeffrey Ford addressed the Commission and discussed the issues encountered when investigating complaints. There were two issues discussed during the October 25th meeting: the first issue was how to define substantial amount of floor space and the other dealt with gross receipts being dropped from fifty percent to twenty-five percent.

Mr. Nutter stated dropping gross receipts down to 25% would probably be erroneous. Mr. Carter stated that from the last meeting the Commission was going to look at what other states had in their laws and that he looked but could not find any information. Mr. Maloney stated that he could take a look at how other states defined adult oriented material. Mr. Nutter stated that they were having a hard time gaining

proof of evidence to use against an establishment regarding complaints. Mr. Nutter stated that the Commission was also trying to determine the requirements for a business to procure an adult entertainment license. Mr. Nutter stated that the Statute states "substantial portion", and at this point the Commission was trying to better define "substantial portion" in their Rules and Regulations. Mr. Carter stated that because the law stated "substantial portion" without a clear definition, that "substantial portion" would then become opinion. Mr. Nutter stated that Delaware was probably the only state with this specific licensure. This topic would need to be researched and discussed at the next meeting. Ms. McAtee stated that she would have the topic on the next agenda.

NEW BUSINESS

RATIFICATION OF LICENSEE PERSONNEL CHANGES – DVD DEPOT

Paul Cataldi (added 11/26/12)

The Commission members and Mr. Maloney reviewed the Certificate of Individual and criminal background report of Paul Cataldi. Mr. Maloney summarized the criminal report for the Commission members. After review, Mr. Nutter made a motion, seconded by Mr. Carter, to ratify the approval of Paul Cataldi. The motion carried unanimously.

COMPLAINT UPDATES

Complaint 16-02-12 Assigned to Tiffany Trawick

Dr. Britt read aloud the complaint update as listed above.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Ms. McAtee reminded the Commission that at the next meeting applications would be reviewed for licensure renewal and that a quorum must be met in order to hold the meeting.

PUBLIC COMMENT

None

NEXT SCHEDULED MEETING

The next meeting will be held on July 25, 2013 at 2:00 p.m. in second-floor Conference Room A of the Cannon Building located at 861 Silver Lake Boulevard in Dover.

ADJOURNMENT

There being no further business, Dr. Britt made a motion, seconded by Mr. Carter, to adjourn the meeting at 2:25 p.m. The motion unanimously carried.

Respectfully submitted,



Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.